

SAMUEL BERNARD JOHNSON III  
4420 Abruzzi Circle  
Stockton, California 95206  
(209) 982-5904 - Telephone  
[blakviii@aol.com](mailto:blakviii@aol.com) - Email

Plaintiff - *In Pro Se*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SAMUEL BERNARD JOHNSON III,

Plaintiff,

vs.

CHEVRON CORPORATION, a Delaware corporation, CHEVRON CORPORATION LONG-TERM DISABILITY PLAN ORGANIZATION, a Delaware corporation, CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY, a California corporation, CATHERINE DREW, KATHRYN M. GALLACHER, ROBERT SCHMITT, HARALD SMEDAL, SUSAN J. SOLGER, SELLERS STOUGH, KRYSTAL TRAN, DEBBIE WONG, GARY A. YAMASHITA, and DOES 1-5,

Defendants

Case No.: C 07-05756 SI (JCS)

**DECLARATION OF SAMUEL BERNARD JOHNSON III IN SUPPORT OF PLAINTIFF'S REQUEST TO EXTEND THE COURT'S DEADLINE FOR A MEDIATION SESSION TO OCCUR BY THE END OF SEPTEMBER OF 2008, PURSUANT TO THE COURT'S MAY 22, 2008, (CORRECTED) PRETRIAL PREPARATION ORDER**

DECLARATION OF SAMUEL BERNARD JOHNSON III ISO PLAINTIFF'S REQUEST TO EXTEND THE COURT'S DEADLINE FOR A MEDIATION SESSION TO OCCUR IN THIS ACTION, CASE NO. C 07-05756 SI (JCS)

1 I, Samuel Bernard Johnson III, (hereinafter referred as "Plaintiff Johnson") am the  
2 Plaintiff in the within action declare the following:

3 1. That I am the Plaintiff in this action and that I make this Declaration on personal  
4 knowledge in support of Plaintiff Johnson Request to Extend the Court's Deadline for a  
5 Mediation Session to Occur in This Action.

6 2. On August 15, 2008, Plaintiff Johnson contacted Delia A. Isvoranu, Esq. of Filice  
7 Brown Eassa & McLeod LLP, (hereafter referred to as "Counsel for Chevron") by telephone to  
8 determine if she represented all of the defendants in this action.

9 3. On August 20, 2008, Counsel for Chevron contacted Plaintiff Johnson via email  
10 and informed him to serve her office pertaining only to Defendants Chevron Corporation and  
11 Chevron Environmental Management Company. Counsel for Chevron further instructed  
12 Plaintiff Johnson that he should personally serve the following defendants 1) Chevron  
13 Corporation Long-term Disability Plan Organization; 2) Catherine Drew; 3) Kathryn M.  
14 Gallacher; 4) Robert Schmitt; 5) Harald Smedal; 6) Susan J. Solger; 7) Sellers Stough; 8) Krystal  
15 Tran; 9) Debbie Wong, and 10) Gary A. Yamashita, ("Newly Named Defendants"). *See* Exhibit  
16 A, attached hereto.

17 4. On August 21, 2008, Plaintiff Johnson placed a telephone call to Counsel for  
18 Chevron to confirm that she in fact did and/or would not represent the other defendants besides  
19 the Chevron Defendants. Counsel for Chevron stated that a decision would be made after the  
20 newly named defendants were served.

21 5. On September 7, 2008, Plaintiff Johnson filed through the Court's ECF System a  
22 letter wherein he requested not only from Counsel for Chevron who represents the Chevron  
23 Defendants, but Plaintiff Johnson also sent this letter to the Newly Named Defendants. *See*  
24 Exhibit B, attached hereto.

25 6. On September 8, 2008, Counsel for Chevron responded to Plaintiff Johnson's  
26 September 7, 2008, letter by stating the following, "Mr. Johnson, [p]lease advise why you are  
27 serving Chevron's employees with correspondence regarding the mediation when you have not  
28 yet even filed your First Amended Complaint, served them, and they have not appeared. Thus,

1 they have no duty to even appear at the upcoming mediation, much less have to file/submit a  
2 letter to the Court asking to be excused. Delia". *See* Exhibit C, attached hereto.

3 7. On September 14, 2008, Plaintiff Johnson sent an email to Counsel for Chevron  
4 informing here that he was not going to voluntarily dismiss this action without prejudice and  
5 then refile such as a John Doe action. Plaintiff Johnson also informed Counsel for Chevron that  
6 he would be filing the First Amended Complaint by Friday, September 19, 2008, as well as  
7 serving the First Amended Complaint on all defendants by October 1, 2008. *See* Exhibit D,  
8 attached hereto.

9 I declare under penalty of perjury under the laws of the United States of America that the  
10 following is true and correct.

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12 Dated this 13<sup>th</sup> day of September 2008

/s/

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SAMUEL BERNARD JOHNSON III

**EXHIBIT A**

**Subject:** (no subject)  
**Date:** 8/20/2008 8:01:40 P.M. Pacific Daylight Time  
**From:** [disvoranu@filicebrown.com](mailto:disvoranu@filicebrown.com)  
**To:** [blakviii@aol.com](mailto:blakviii@aol.com)

*Sent from the Internet ([Details](#))*

Samuel,  
With regard to each of the individual defendants, please proceed with personally serving each individual.

Thank you,

Delia

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IRS Circular 230 Disclosure: As required by U.S. Treasury Regulations governing tax practice, you are hereby advised that any written tax advice contained herein was not written or intended to be used (and cannot be used) by any taxpayer for the purpose of avoiding penalties that may be imposed under the U.S. Internal Revenue Code.  
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**EXHIBIT B**

Delia

-----Original Message-----

From: blakviii@aol.com <blakviii@aol.com>

To: Delia Isvoranu

Sent: Fri Aug 22 13:45:51 2008

Subject: Adr mediation

Ms Isvoranu,

This is to advise you that I will be sending a separate cover letter to Mr. Eassa to inform him as I did in the past that based on the parties posture the September 2008 adr mediation should be postponed. Ill cc you on the letter. Mr johnson

Sent from my Verizon Wireless BlackBerry

**EXHIBIT C**

**SAMUEL BERNARD JOHNSON III**

**4420 Abruzzi Circle  
Stockton, California 95206  
(209) 470-2822 – Cellular**

September 7, 2008

Delia A. Isvoranu, Esq.  
**FILICE BROWN EASSA & MCLEOD LLP**  
1999 Harrison Street, 18<sup>th</sup> Floor  
Oakland, California 94612

**Re:** *Samuel Bernard Johnson III v. Chevron Corporation, et al.*, United States District Court,  
Northern District of California, San Francisco Division, Case No. C 07-05756 SI (JCS)

To All Defendants:

Many of the defendants in this action may not have been informed, but the Court approved the amending of the First Amended Complaint on August 14, 2008. By way of amending the original Complaint, in addition to Chevron Corporation and Chevron Environmental Management Company, the following entities and individuals have been named as defendants in the above-referenced action:

1. Chevron Corporation Long-Term Disability Plan Organization;
2. Catherine Drew;
3. Kathryn M. Gallacher;
4. Robert Schmitt;
5. Susan J. Solger;
6. Harald Smedal;
7. Sellers Stough;
8. Krystal Tran;
9. Debbie Wong; and
10. Gary Yamashita.

I contacted Delia A. Isvoranu, Esq. of Filice Brown Eaasa & McLeod LLP who currently represents the interests of Defenants Chevron Corporation and Chevron Environmental Management Company in an attempt to serve the First Amended Complaint on all of the defendants in this action and was advised at this time that her law firm does not represent the defendants in items 1-10 above. Given such, there is a pending September 29, 2008, mediation as this case was set for mediation through the Court's Alternative Dispute Resolution Program. With that said, all named parties and their counsel are required to attend the mediation unless excused. *See* ADR Local Rules 6-9(a) and 6-9(d) respectfully. Likewise, each party must be accompanied at the mediation by the lawyer who will be primarily responsible for handling the

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DECLARATION OF SAMUEL BERNARD JOHNSON III ISO PLAINTIFF'S REQUEST TO  
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ACTION, CASE NO. C 07-05756 SI (JCS)

trial of the matter. *See* ADR Local Rule 6-9(b).

As stated above, you can be excused from the mediation. A person who is required to attend a mediation may be excused from attending in person only after a showing that personal attendance would impose an extraordinary or otherwise unjustifiable hardship. A person seeking to be excused must submit, no fewer than 15 days before the date set for the mediation, a letter to the ADR Magistrate Judge, simultaneously copying the ADR unit, all counsel and the mediator. The letter must:

- (1) Set forth all considerations that support the request;
- (2) State realistically the amount in controversy in the case;
- (3) Indicate whether the other party or parties join in or object to the request, and
- (4) Be accompanied by a proposed order.

For various reasons I'm requesting to postpone the September 29, 2008, mediation until the parties meet for a Further Case Management Conference on October 24, 2008, at 2:30 p.m. before the Honorable Susan Illston. Likewise, there is a hearing set to modify the Court's May 21, 2008 [Corrected] Pretrial Preparation Order at 9:00 a.m. on October 31, 2008. At such time, the parties will discuss amongst other things a new trial date in this action. Currently the trial date in this action is set for April of 2009. Given such, I ask that each of you contact me by Thursday, September 11, 2008, as to whether you are in agreement that the September 29, 2008, mediation can be rescheduled. If I do not hear from you by this date, then I will file a Motion with the Court pursuant to ADR Local Rule 6-5 to Request to Extend the Deadline, which has been set to have the mediation in this action started on or before September 30, 2008. *See* May 21, 2008, Court's Pretrial Preparation Order [Corrected].

As stated above, you may contact me at the above-referenced telephone number, at the address listed above or my email address of [blakviii@aol.com](mailto:blakviii@aol.com). However, you must contact me prior to 5:00 pm on Wednesday, September 10, 2008.

Very truly yours,

/s/

Samuel Bernard Johnson III

Cc: Robert D. Eassa, Esq. (via email only)  
 Jody Lewitter – Mediator (via email only)  
 Chevron Corporation Long-Term Disability Plan Organization (via facsimile)  
 Catherine Drew (via facsimile and U.S. Mail)  
 Kathryn M. Gallacher (via facsimile and U.S. Mail)

Robert Schmitt (via facsimile and U.S. Mail)  
 Susan J. Solger (via facsimile and U.S. Mail)  
 Harald Smedal (via U.S. Mail and U.S. Mail)

1 Sellers Stough (via facsimile and U.S. Mail)  
2 Krystal Tran (via facsimile and U.S. Mail)  
3 Debbie Wong (via facsimile and U.S. Mail)  
4 Gary Yamashita (via facsimile and U.S. Mail)  
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**EXHIBIT D**

**Subject:** Mediation

**Date:** 9/8/2008 1:32:14 P.M. Pacific Daylight Time

**From:** [disvoranu@filicebrown.com](mailto:disvoranu@filicebrown.com)

**To:** [blakviii@aol.com](mailto:blakviii@aol.com)

*Sent from the Internet ([Details](#))*

Mr. Johnson,

Please advise why you are serving Chevron's employees with correspondence regarding the mediation when you have not yet even filed your First Amended Complaint, served them, and they have not appeared. Thus, they have no duty to even appear at the upcoming mediation, much less have to file/submit a letter to the Court asking to be excused.

Delia

Delia A. Isvoranu

Filice Brown Eassa & McLeod LLP

Lake Merritt Plaza

1999 Harrison St. 18th Floor

Oakland, CA 94612

Tel:(510) 444-3131

[www.filicebrown.com](http://www.filicebrown.com)

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DECLARATION OF SAMUEL BERNARD JOHNSON III ISO PLAINTIFF'S REQUEST TO  
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2 governing tax practice, you are hereby advised that any written tax advice  
3 contained herein was not written or intended to be used (and cannot be used)  
4 by any taxpayer for the purpose of avoiding penalties that may be imposed  
5 under the U.S. Internal Revenue Code.

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11 notify the sender and/or Filice Brown Eassa & McLeod LLP by telephone at  
12 (510) 444-3131 and delete the original message. Thank you.

**EXHIBIT E**

-----Original Message-----

From: blakviii@aol.com [mailto:blakviii@aol.com]  
 Sent: Thursday, September 11, 2008 9:00 AM  
 To: Bob Eassa  
 Cc: Delia Isvoranu  
 Subject: Preparing for October Depositions

As Judge Ilston has stated in her recent order to amend the original complaint on August 14, 2008, the parties are in the early stages of discovery in this action. As you are also aware I have a reply due to your opposition to modify the Court's May 22, 2008 Corrected Pretrial Preparation Order. It should be noted that Judge Ilston moved this hearing to October 31, 2008 prior to granting leave to amend the first amended complaint. It is my goal to serve the first amended complaint on all defendants prior to October 1, 2008. With the serving of the first amended complaint all defendants will be required to attend the further case management conference as set by Judge Ilston. Please further note that I will ask Judge Ilston to make a ruling on the pleadings as it pertains to the request to modify the court's May 22, 2008, corrected pretrial preparation order so that such can be incorporated into her new pretrial preparation order that will be issued after the October 24, 2008 further case management conference. Likewise, given the fact that there are new defendants since the issuance of the original complaint and that more then likely some of the defendants will seek representation for themselves instead of going with your firm. I request that you inform me immediately if you become aware that additional defense counsel will be in this action. I do not want what happened last time to occur this time. My point here is that Ms Isvoranu knew of the existence of other defense counsel that previously represented Ms Solger and failed to disclose such during previous discussions to streamline this action for settlement purposes by dismissing certain employees and one defendant. Such constitutes unethical and professional misconduct as governed by the ABA Rules in which I will bring before the California State Bar as well as other issues and concerns that have arisen in this action. With that said, Good day. Mr Johnson.

Sent from my Verizon Wireless BlackBerry

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